

1 Imran F. Vakil, Esq. (Bar No. 248859)  
2 ivakil@nexiolaw.com

3 **NEXIO, PC**  
4 245 Fischer Avenue  
5 Suite C3  
6 Costa Mesa, CA 92626  
7 Phone: (949) 478-6830  
8 Facsimile: (949) 478-1275

9 Richard P. Liebowitz  
10 LIEBOWITZ LAW FIRM, PLLC  
11 11 Sunrise Plaza, Suite 305  
12 Valley Stream, New York 11580  
13 Tele: 516-233-1660  
14 RL@LiebowitzLawFirm.com  
15 (*Pro Hace Vice Forthcoming*)

16 Attorneys for Plaintiff  
17 AL PERIERA

18 **UNITED STATES DISTRICT COURT**  
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 AL PEREIRA,

21 Plaintiff,

22 v.

23 3072541 CANADA INC.; and DOES  
24 1-10 INCLUSIVE,

25 Defendants.

Case No. 2:18-cv-2622

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Al Pereira (“Pereira” or “Plaintiff”) by and through his undersigned  
2 counsel, as and for his Complaint against Defendant 3072541 Canada Inc. (“Jenner” or  
3 “Defendant”) and DOES 1-10 hereby alleges as follows:

4 **NATURE OF THE ACTION**

5 1. This is an action for copyright infringement under Section 501 of the  
6 Copyright Act. This action arises out of Jenner unauthorized reproduction and public  
7 display of a copyright photograph of American rapper and actor Tupac Shakur with  
8 rapper Notorious B.I.G. and Redman, owned and registered by Pereira, a professional  
9 photographer. Accordingly, Pereira seeks monetary relief under the Copyright Act of  
10 the United States, as amended, 17 U.S.C. § 101 *et seq.*

11 **JURISDICTION AND VENUE**

12 2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and  
13 this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§  
14 1331 and 1338(a).

15 3. This Court has personal jurisdiction over Jenner because Jenner resides in  
16 and/or is transacting business in California.

17 4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

18 **PARTIES**

19 5. Pereira is a professional photographer in the business of licensing his  
20 photographs for a fee with a place of business at 1360 Ocean Parkway, Apt. 6M,  
21 Brooklyn, New York 11230.

22 6. Upon information and belief, Jenner is a Canada corporation qualified to  
23 do business in California as entity number C3727548, with a place of business at 101  
24 Japanese Village Plaza, Los Angeles, California 90012. Upon information and belief,  
25 Jenner is registered with the California Secretary of State. At all times material hereto,  
26 Jenner has owned and operated the URL: [www.Kendall-Kylie.com](http://www.Kendall-Kylie.com) (the “Website”).  
27  
28



**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST JENNER)**  
**(17 U.S.C. §§ 106, 501)**

13. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-12 above.

14. Jenner infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the T-Shirt. Jenner is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

15. The acts of Jenner complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

16. Upon information and belief, the foregoing acts of infringement by Jenner have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

17. As a direct and proximate cause of the infringement by the Jenner of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Jenner's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Jenner be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. Plaintiff be awarded Plaintiff's actual damages and Jenner profits, gains or advantages of any kind attributable to Jenner infringement of Plaintiff's Photograph;
3. That Jenner be required to account for all profits, income, receipts, or other benefits derived by Jenner as a result of its unlawful conduct;

- 1           4.     That Plaintiff be awarded pre-judgment interest; and
- 2           5.     Such other and further relief as the Court may deem just and proper.
- 3           6.

4  
5     Dated: March 30, 2018

Respectfully submitted,

6           By: /s/ Imran F. Vakil/

7           Imran F. Vakil  
8           NEXIO PC  
9           Richard P. Liebowitz  
10          LIEBOWITZ LAW FIRM, PLLC  
11          *(Pro Hec Vice Forthcoming)*  
12          Attorneys for Plaintiff

